

Minutes
DAGSBORO TOWN COUNCIL
Virtual
Monday, July 19, 2021

I. CALL MEETING TO ORDER

Mayor Baull stated that this meeting is being conducted remotely consistent with Governor Carney's executive order due to the current State of Emergency in the State of Delaware given the outbreak of COVID-19. The Governor's order suspends the requirement of the open meeting law to have all meetings in a publicly accessible physical location, further all members of public bodies are allowed and encouraged to participate remotely. This order also allows public bodies to meet entirely remotely as long as reasonable public access is afforded so that the public may follow along with the deliberations of the meeting. All the votes as well as discussions will be taken individually so that all the Council members will have the time to speak if they so choose also so we can properly document it. Mayor Baull stated that this meeting is being recorded and Town Administrator Brought is taking notes as well.

Meeting was called to order by Mayor Baull at 6:03 p.m.

In attendance were: Mayor Brian Baull, Vice-Mayor William Chandler, Councilwoman Theresa Ulrich, Councilman Patrick Miller (joined the meeting after it had commenced), Chief Steven Flood and Town Administrator Cynthia Brought. Councilman Norwood Truitt was absent. See attached sign in sheet for other members of the audience.

II. PUBLIC COMMENT

No public comment was made.

III. APPROVAL OF MINUTES

June 21, 2021 Virtual Town Council Meeting
June 30, 2021 Budget Meeting

Vice-Mayor Chandler made a motion to approve both minutes as presented. Councilwoman Ulrich seconded the motion. The vote was 3-0 with two council members absent.

IV. CONSENT AGDENDA

a. Police Report

Chief Flood stated that over the weekend they had some complaints with speeding on Main and Clayton Streets. He stated that Sergeant Disciullo worked over the weekend and wrote 20 or more tickets. They are doing their best to address the speeding complaints, but they cannot be everywhere. The

department is writing 200 to 300 hundred tickets a month. He stated that he plans to move the speed trailer from Main Street to Clayton Street within a month.

Vice-Mayor Chandler asked the Chief who owns the speed trailer. Chief Flood stated that the speed trailer belongs to the Dagsboro Police Department, but there is a speed sign in that area as well. Vice-Mayor Chandler stated that he understands the problem as he is up early and if any of the officers were on Main or Clayton Street at about 5:30 a.m. the average speed is between 50 or 60 mph. Chief Flood stated that he thought the highest speed on Clayton Street over the weekend was 54 mph.

Councilwoman Ulrich stated that the only time she saw traffic over the weekend, it was backed up, and so they were crawling. Chief Flood stated that this creates its own problems. There is only so much they can do. They can't get out and they can't get a lock on the radar because there is so much traffic.

- b. Treasurer's Report
- c. Administrative Report
- d. Building Official Report
- e. Code Enforcement Report
- f. Meeting Reports
- g. Water Department Report
- h. Prince George's Chapel Cemetery Report
- i. Correspondence

Town Administrator Brought stated that the Cannon Street Storm Water Drainage project is complete; they were out today, July 19th, to put new grass down.

Vice-Mayor Chandler stated that we are closing in on August and Artesian and the Town of Millsboro have still not met and asked if this was correct. Town Administrator Brought stated yes that was correct Rob Penman, Artesian, has been in touch with Millsboro and their Engineer. He is waiting on some kind of response from them. Rob Penman may need to just talk to us about doing the manual changeover.

Councilwoman Ulrich asked about the status of the new police station. Town Administrator Brought stated that drawings are the next step but she would like to have the money in hand and know what the rules are. She has not been contacted by the State, only Representative Collins. She needs to know if a contract has to be signed and invoices sent in as we go or do we receive the money and put it in a special account. She stated that we asked for \$675,000 and were awarded \$492,000 which is a good bit of it. She wants to discuss with Town Solicitor Morris the COVID stimulus money and how it can be used toward the building as the police department cannot adhere to any COVID protocol in the current Police Station.

Vice-Mayor Chandler made a motion to approve the consent agenda. Councilwoman Ulrich seconded the motion. The vote was 3-0 with two council members absent.

V. PLANNING & ZONING COMMITTEE

Recommendation from Planning & Zoning

a. Masonic Lodge – Proposed Meeting Hall Tax Map 2-33-11.09-18.00

Cathy Flowers, Co-Chairperson of the P&Z Commission, stated that the Masonic Lodge came before P&Z on July 1st, 2021 to discuss the placement of a new meeting hall on the parcel of land that currently holds an existing building and the graveled parking lot with the entrance off of Church Street. They are asking for approval to place a new meeting room toward the back of the existing parcel and leave the current building in place until they can remove it when financially feasible. The only concern in this regard is that the parking, once the existing building is removed, will be in the front of this parcel and this does not comply with The Code as it states that the parking is to be to the rear of the building. After discussion, and the fact that the town will be able to use the new parking area for theatre parking or general municipal parking, it was a unanimous vote to recommend that the building be placed toward the rear of the property, the existing building demolished once financially feasible, and parking placed toward the front of the building with a landscape buffer along Main Street.

Councilwoman Ulrich asked if the parking lot was going to be paved and Co-Chairperson Flowers stated that they would, but not until financially feasible. Co-Chairperson Flowers stated that it was also brought up about the visibility with the landscape buffer in regard to entering and exiting that parking lot.

VI. NEW BUSINESS

a. Discussion and Possible Vote Regarding the Planning & Zoning Recommendation/Masonic Lodge Proposed Dwelling/Parking. Mayor/Town Council

Councilwoman Ulrich stated that she has no issue with the parking in the front of the building since they are going to allow municipal parking. She did inquire how often they have their meetings. Engineering Consultant Gulbranson stated that they meet monthly and it is about twenty people max.

Vice-Mayor Chandler stated that he agreed that the current building is in poor condition and it would be an improvement to have a new building. He stated that the parking lot would be an added feature or benefit; he does have a concern with the potential liability risk of people parking in the parking lot and coming from the Masonic Lodge and crossing the street. There would be a need to have insurance for that.

Vice-Mayor Chandler made a motion to approve P&Z's recommendation of the Masonic Lodge dwelling and parking lot as presented. Councilwoman Ulrich seconded the motion. The vote was 3-0 with two council members absent.

b. Discussion and Potential Vote on Staff Compensation. Vice-Mayor Chandler

Vice-Mayor Chandler stated that the Town Administrator's contract is an annual contract that has to be voted on and approved. He stated that he does not recall that happening in March. He stated which would be an oversight that needs to be corrected. Vice-Mayor Chandler stated that he recommends that the contract be renewed with all the terms and conditions. He recommended that the compensation be increased from \$54,500 to \$56,500, which is slightly more than 3%, but given all of the additional responsibilities and duties that she has had to encounter, particularly the financial duties she has had to assume and the extra training of the staff. He felt that it is time consuming and difficult and will only get more difficult going forward with the increased activity in the Town in terms of potential building he thinks the pressure is going to be increased on the staff. He stated this should be recognized which is why he has recommended a \$2,000 increase, which again is slightly more than 3%, but when you figure in taxes it won't even be that.

Councilwoman Ulrich made a motion to approve the contract for Town Administrator Cynthia Brought with a recommended salary increase to \$56,500. Vice-Mayor Chandler seconded the motion. The vote was 3-0 with two council members absent.

Vice-Mayor Chandler stated that the Town also has another employee Stacy West, who has been a loyal, hardworking employee for two years. He stated that she currently earns \$15 an hour. She is not a salaried employee she is an hourly employee, therefore when she works overtime to help Town Administrator Brought with budget you actually pay overtime for that. Vice-Mayor Chandler proposed a dual question one to keep her at the hourly rate employee or make her a salary employee. He stated that she gets benefits even as an hourly employee. He stated that she has good relations with the people in the community and does a good job dealing with folks one on one and as the Code Enforcement Officer, you are not exactly high on the list of most favorite people, but she does a good job of managing that. He stated that she helps Town Administrator Brought with training issues, financial issues with the budget, and maintains the water department. He stated that he is recommending an increase to \$18 an hour, which would be \$37,400; she is currently at \$31,200 at \$15 an hour not including overtime.

Vice-Mayor Chandler made a motion to increase Ms. West's salary and change her position to a salary position at \$38,000 to begin on August 1st, 2021. Councilman Miller seconded the motion. The vote was 4-0 as Councilman Miller had joined meeting by this time and one council member absent.

c. Consideration of Ordinance Amendments relating to 1) Future Infrastructure Fund and 2) Good Standing. Vice-Mayor Chandler

Vice-Mayor Chandler stated that he is inquiring about a Consensus for consideration on drafting a Good Standing Ordinance, which he will need Town Solicitor Morris's assistance on. The Good Standing Ordinance, which in simplified terms, states that anyone that comes to the Town seeking some action from the Town, for example, wants to have their property re-assessed, the property re-zoned, a various

granted, a building permit issued, a site plan approved, or anything that they are asking the Town to approve for them, would have to be in good standing. They could not have any outstanding bills owed to the Town, whether it is for Civil Fines, assessments for property tax, assessments for building permits that they have not paid, or their water bill. The standing liability has to be taken care of before they ask the Town to grant them some type of benefit or privilege. Vice-Mayor Chandler stated that the Town does not have an Ordinance like this, but other towns do, and he felt it would be wise to have this ordinance in place to prevent the Town from being taken advantage of.

Mayor Baull, Councilwoman Ulrich and Councilman Miller all agreed that it made sense. Vice-Mayor Chandler stated that he would work on a draft for the September or October meeting.

Vice-Mayor Chandler stated that the second proposal or Ordinance that he is asking for consideration on is more future oriented. The Town imposes impact fees and building permit fees and assessments of that sort designed to provide the coverage for our costs of overseeing those projects. As the town grows and as more development occurs it will impose increasing pressures, which already exist, on the infrastructure of the Town. The roads and lights that the Town has to take care of, the water the Town has to provide, the police, fire, ambulance and rescue protection that is provided, the maintenance of the ditches, storm water, and the flooding that occurs. He stated that all of those things are going to be increasingly imposed on the Town as costs. He stated that for the future there should be a surcharge applied to some of those fees, whether it be for example, we already have an impact fee and a one quarter basis point is dedicated to the fire department, that could be increased to a half basis point as a surcharge on the building construction project that is dedicated to the fire department. The half point surcharge could be for fire, ambulance, police, road repair, or for water and sewer. He stated that you could create your own independent funds, where those additional surcharge amounts would automatically be deposited, and they would not be used for ordinary operational expenses of the Town. These funds would be dedicated funds and you might also dedicate some fraction, not all, but some fraction of the transfer tax income therefore, $\frac{1}{3}$, $\frac{1}{4}$ or $\frac{1}{5}$ of the annual transfer taxes are dedicated to the road infrastructure, road enhancement or repair fund, and those would be funds earmarked for those purposes. Therefore, in the future, the Town would have reserves to which it could apply for these specific purposes. He stated that we wouldn't be alone, Ocean View has this and they do quite well with it.

Mayor Baull, Councilwoman Ulrich and Councilman Miller all agree that is a good idea. Vice-Mayor Chandler stated that he would work on a draft for the September or October meeting.

Councilwoman Ulrich inquired as to why the Welsh's did not have to come before Town Council to separate the parcels when in 2017 they came before the Town Council to combine the two lots into one and the Town Council had to approve it. Town Engineer Gulbranson stated that was because they were going back to the original configuration of Prince George's Acres Sub-Division format and it did not require Town Council approval, just the plot to be stamped by the Town Administrator and recorded at the County.

VII. OLD BUSINESS

a. Tree Cemetery/Ward Lane – Update. Cindi Brought

Town Administrator Brought stated that Bartlett Tree is supposed to contact her because Ward Lane will have to be closed while the work is being done. She stated that the Prince George's Cemetery is going to cover the cost for the work being done.

b. Agricultural Ditch Behind Bodies/Clayton – Discuss Bids and Possible Vote. Cindi Brought

Town Administrator Brought stated that there are three bids enclosed in the packets. Mark Theriault, who has done some work for Bill Chandler, would charge \$75 an hour and even if he works for 40 hours that would be \$3,000 versus the other bids at approximately \$10,000.

Councilwoman Ulrich made a motion to approve the bid from Mark Theriault which is for \$75 an hour to clear brush, cutting lower tree limbs, and haul away. Vice-Mayor Chandler seconded the motion. The vote was 4-0 with one council member absent.

VIII. PUBLIC COMMENT

No public comment was made.

IX. ADJOURNMENT

Mayor Baull reminded that there will not be an August meeting and that the September meeting will be back in person at the Bethel Center.

Vice-Mayor Chandler made a motion to adjourn. Councilwoman Ulrich seconded the motion. The vote was 4-0 with one council member absent.

Meeting adjourned at 6:37 p.m.

Respectfully Submitted,

Stacy West, Town Clerk